

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO. 2579 OF 2007

Raishi Shivji Chheda... Petitioner.

Versus

Dhirajlal Raishi Chheda... Respondent.

Mr. J. G. Shukla i/by M/s.G.H.Shukla & Co.,
for the Petitioner.

Mr. G.S.Bhatt for the Respondent.

CORAM : B.H.MARLAPALLE, J.

DATED : 20TH APRIL, 2007.

P.C.:

Heard learned Counsel for the petitioner.

2. It appears to me that in Suit No. 1861 of 2002 filed under the Maharashtra Rent Control Act, 1999 Interim Notice No. 2278 of 2005 was taken out under Section 9A of the Code of Civil Procedure contending that the trial Court did not have jurisdiction to entertain the suit. By the impugned order dated 16th October, 2006 the said application has been rejected.

3. If the petitioner desires to challenge this order before the High Court, the petitioner's remedy lies by filing civil revision application under Section 115 of the Code of Civil Procedure after it has been amended on 1st July, 2002 and in the alternative the petitioner has a remedy of filing of revision application before the Division Bench of the Small Causes Court under Section 34(3) of the Maharashtra Rent Control Act.

4. Hence, the petition is disposed of as withdrawn with liberty to file a revision application.

Sd/-

(B. H. MARLAPALLE, J.)